



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Labor and Industries

- ☒ **Preproposal Statement of Inquiry was filed as WSR 02-15-182 ; or**
☐ **Expedited Rule Making--Proposed notice was filed as WSR _____; or**
☐ **Proposal is exempt under RCW 34.05.310(4).**

- ☒ **Original Notice**
☐ **Supplemental Notice to WSR _____**
☐ **Continuance of WSR _____**

Title of rule and other identifying information: (Describe Subject) Workers' Compensation Self Insurance Rules and Regulations, Chapter 296-15 WAC. This chapter governs employers who are permitted to self insure their workers' compensation obligation pursuant to Title 51 RCW. This filing includes modifications in the following areas: certification requirements, including both financial requirements and claims administration structure requirements, vocational reporting requirements, including 90-day employability assessment reports and vocational rehabilitation outcome reporting, reporting requirements when initiating and terminating time loss, financial information reporting requirements, submissions of protests and reopening applications to the department, and time frames for payment of penalties.

Hearing location(s):

Department of Labor & Industries
7273 Linderson Way SW
Tumwater, Washington 98501-5414

Date: January 6, 2006 Time: 9:30 am

Submit written comments to:

Name: Margaret Conley
Address: PO Box 44890
Olympia, Washington 98504-4890
e-mail mccgm235@lni.wa.gov
fax (360)902-6900 by (date) January 6, 2006 5pm

Assistance for persons with disabilities: Contact

Margaret Conley by December 9, 2005

TTY (800) 833-6388 or (360) 902-6906

Date of intended adoption: February 28, 2006

(Note: This is **NOT** the **effective** date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The proposed revisions should improve the processes by which employers are certified to self insure, enhance understanding of that process and of the requirements and responsibilities of being self-insured, streamline and improve vocational and financial reporting requirements, improve notification to injured workers regarding the status of their compensation, and clarify timeframes for both submission of protests to the department and the payment of penalties.

Reasons supporting proposal:

To comply with Executive Order 97-02, the Self Insurance Section has reviewed portions of Chapter 296-15 WAC using the criteria laid out in the aforementioned executive order. The proposed changes should clarify for employers, workers, and other interested parties the processes and requirements regarding self insurance in Washington State.

Statutory authority for adoption: RCW 51.04.020, RCW 51.14.020, RCW 51.32.190, RCW 51.14.090, and RCW 51.14.095

Statute being implemented:

Is rule necessary because of a:

Federal Law? ☐ Yes ☒ No
Federal Court Decision? ☐ Yes ☒ No
State Court Decision? ☐ Yes ☒ No
If yes, CITATION:

CODE REVISER USE ONLY

WSR #05-23-146

DATE

November 22, 2005

NAME (type or print)

Gary K. Weeks

SIGNATURE**TITLE**

Director

(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

N/A

Name of proponent: (person or organization) Department of Labor & Industries

- ☐ Private
☐ Public
☒ Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Jean Vanek	724 Quince St. SE, Olympia, WA 98501	(360) 902-6907
Implementation.....Jean Vanek	724 Quince St. SE, Olympia, WA 98501	(360) 902-6907
Enforcement.....Jean Vanek	724 Quince St. SE, Olympia, WA 98501	(360) 902-6907

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☐ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

☒ No. Explain why no statement was prepared.

Chapter 296-15 WAC applies only to businesses that are certified to self-insure in Washington State. Per RCW 19.85.020 (1), a business must have fifty or fewer employees to qualify as a small business under the Regulatory Fairness Act. The department reviewed the number of worker hours reported by each employer currently certified to self-insure, and no self-insured business has fewer than fifty employees. Therefore, no small business economic impact statement is required.

Is a cost-benefit analysis required under RCW 34.05.328?

☒ Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name: Trista Zugel

Address:

PO Box 44321

Olympia, WA 98504-4321

phone (360) 902-5122

fax (360) 902-4249

e-mail zugy235@lni.wa.gov

☐ No: Please explain: